IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5072 of 2004
with
SPECIAL CIVIL APPLICATIONNo 5075 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

PARBATSINH N SOLANKI

Appearance:

1. Special Civil Application No. 5072 & 5075 of 2004
MR ASHISH M DAGLI for Petitioner No. 1
MR RC JANI for Respondent No. 1
Mr.Mengdey, AGP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 03/05/2004

ORAL JUDGEMENT

Pursuant to the order passed by this court Mr.Parbatsinh Solanki respondent No.1 in SCA No.5072/04 and Mr.Vishnukumar Amrutlal Jani respondent No.1 in SCA No.5075/04 are present and they are identified by the learned advocate and both of them have declared before the court that they are not claiming interest for the amount of gratuity in case this court is inclined to consider the matter as it was considered by the court in similarly situated case being SCA No.4694/04.

2. Hence, for the reasons recorded in the order, dated 16.4.04 passed in SCA No.4694/04, tbe following order is passed in the present petitions:

The orders passed by the Controlling Authority as well as by the Appellate Authority impugned in these petitions are quashed and set aside. However, it is further directed that the respondent employees shall be allowed to withdraw the principal amount as payment of gratuity and the amount of interest out of the amount deposited, if any, by the Corporation shall be refunded to the Corporation by the Appellate Authority/Controlling Authority forthwith. The petition is allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances of the case, there will be no order as to costs. In addition to the petitioner, office may also supply copy of the order to the respondent employees concerned.

3-5-2004 (Jayant Patel, J.)